

REMARKS

In the Office Action, the Examiner finally rejected Claims 1-6 and 8-22 under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Wong et al. (U.S. Pat. No. 6,120,803). In response, Applicants have amended Claim 1 to specifically recite the presence of an enteric coating and of an immediate release bupropion component. Claim 4 has also been amended to conform with Claim 1 as amended. It should be noted that the amendments have not added new matter.

Regarding the phrase “enteric coated” in Claims 1 and 4, support can be found throughout the specification and specifically at, *inter alia*, page 7, line 13 and page 14, lines 11-16 of the specification as originally filed. Regarding the phrase “wherein said enteric coated extruded composition is further comprised of an immediate release bupropion component” in Claim 1, support can be found throughout the specification and specifically at, *inter alia*, page 10, lines 15-22 of the specification as originally filed.

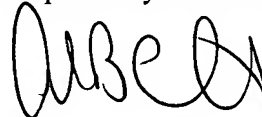
Based on these amendments, Applicants respectfully request reconsideration and removal of these grounds of rejection. More specifically, Applicants aver that the claims as amended are not anticipated under 35 U.S.C. 102(b) by Wong because Wong never discusses, teaches, or discloses that its invention can be used in combination with an immediate release component. Wong does mention immediate release of active ingredients approximately seven times, but in each of those instances Wong discusses how its invention is an improvement over immediate release formulations.

Further, Applicants aver that the claims as amended are not rendered obvious under 35 U.S.C. 103(a) by Wong because Wong teaches away from using immediate release dosage forms. *See* Col. 8, lines 27-37 and Col. 25, lines 8-19; *see generally* Example 1 (Col. 23, line 18

– Col 24, line 37). Where the prior art teaches away from the claimed invention, obviousness should not be found. *See KSR Int'l Co. v. Teleflex, Inc.*, 127 S.Ct. 1727, 1745 (2007) (discussing “teaching away” as a factor in showing nonobviousness); *Para-Ordnance Mfg., Inc. v. SGS Imp. Int'l, Inc.*, 73 F.3d 1085, 1093 (Fed. Cir. 1995); *Monarch Knitting Mach. Corp. v. Sulzer Morat GmbH*, 139 F.3d 877, 885 (Fed. Cir. 1998); MPEP §2141.02, ¶6. Therefore, Applicants respectfully request reconsideration and removal of these grounds of rejection.

Based on the above, Applicants respectfully submit that the claims of the present invention are in proper form for allowance. Favorable consideration and early allowance are therefore respectfully requested and earnestly solicited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'A. B. Clement', with a stylized flourish at the end.

Alan B. Clement
Reg. No. 34,563

MAILING ADDRESS

Hedman & Costigan, P.C.
1185 Avenue of the Americas
New York, NY 10036
(212) 302-8989